

ERNEST BORUNDA

ATTORNEY AT LAW

8401 AERO DRIVE

SAN DIEGO, CALIFORNIA 92123

(714) 292-7381

1 ERNEST BORUNDA
2 Attorney at Law
3 8401 Aero Drive
4 San Diego, CA 92123
5 (714) 292-7381

6 Attorney for Plaintiff

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF SAN DIEGO

9 GREMLIN INDUSTRIES, INC., a)
10 Delaware Corporation,)

11 Plaintiff,)

12 vs.)

13 CIRCLE INTERNATIONAL, a)
14 California Corporation,)
15 DOES I-X,)

16 Defendant)

No.

416704

COMPLAINT FOR MONEY
DUE ON ACCOUNT

17 Plaintiff alleges:

18 FIRST CAUSE OF ACTION

19 1. Plaintiff, GREMLIN INDUSTRIES, INC. (hereinafter
20 "Gremlin") is and, at all times relevant, was a corporation organized
21 and existing under the laws of the State of Delaware, with its
22 principal place of business in San Diego, California.

23 2. Plaintiff is informed and believes and thereon alleges
24 that defendants, CIRCLE INTERNATIONAL, is and, at all times relevant,
25 was a corporation organized and existing under the laws of the State
26 of California, with its principal place of business at 2225 West
27 Pico Boulevard, Los Angeles, California.

28 3. The obligation sued upon herein is payable in the
County of San Diego, State of California, in the above Judicial
District.

4. Said obligation is commercial in nature, not based on a

FILED
MAY 19 1 37 PM '78
ROBERT A. CUMMALT
CLERK, SAN DIEGO CO.
CALIFORNIA

416704
MAY 19 1978

50.00
50.00

1 retail installment sales contract or a conditional sales contract,
2 and not subject to the provisions of Civil Code Section 1812.10 and
3 2984.4.

4 5. The true names or capacities, whether individual,
5 corporate, associate, or otherwise, of defendants named herein as
6 DOE I through DOE X are unknown to plaintiff, who therefore sues
7 said defendants by such fictitious names and plaintiff will amend
8 this complaint to show their true names and capacities when this
9 has been ascertained.

10 6. Plaintiff is informed and believes and upon such infor-
11 mation and belief alleges that at all times herein mentioned, each
12 of the defendants was the agent, servant and employee of each of
13 the remaining defendants and at all times were acting within the
14 purpose and scope of said agency and employment.

15 7. Defendants are engaged in the business of distributing
16 electronic and video games at a place of business at 2225 West Pico
17 Boulevard, Los Angeles, California. Within four years next preceding
18 the commencement of this action, in the City and County of San Diego,
19 State of California, defendants became indebted to plaintiff in the
20 sum of \$89,640.70 on an open book account for electronic and video
21 games manufactured by plaintiff and sold and delivered by plaintiff
22 to defendants, at defendants' request, between November 1, 1977 and
23 February 13, 1978. The prices, character, description, and quantity of
24 said goods, wares, and merchandise as alleged are more fully set
25 forth in a true and correct copy of the books and records of original
26 entry of plaintiff; said books and records of original entry of
27 plaintiff are attached hereto, marked "Plaintiff's Exhibit A" and,
28 incorporated by reference herein.

1 8. Defendant promised and agreed to pay plaintiff on or
2 before April 29, 1978, the sum of the balance due on said account
3 in the amount of \$89,640.70. Defendant has failed and refused,
4 and continues to fail and refuse, to pay that sum or any part of
5 said sum to plaintiff. The balance is now past due, owing, delin-
6 quent and unpaid, together with interest on said sum at the rate of
7 7% per annum from April 29, 1978, to date of entry of judgment herein.

8 SECOND CAUSE OF ACTION

9 9. Plaintiff realleges and incorporates by reference
10 herein each and every allegation in paragraphs 1 through 6 of the
11 FIRST CAUSE OF ACTION.

12 10. On or about April 29, 1978, there was an account
13 stated between plaintiff and defendants in which the sum of \$89,640.70
14 was agreed on as the balance due plaintiff. No part of this sum has
15 been paid although demand therefor has been made, and the sum of
16 \$89,640.70 is now due and owing from said defendants to plaintiff
17 together with interest thereon at the rate of 7% per annum, from on
18 or about April 29, 1978. A true and correct copy of plaintiff's
19 books and records of account, upon which said account stated is
20 based, is attached, marked "Plaintiff's Exhibit A" and incorporated
21 herein by reference.

22 THIRD CAUSE OF ACTION

23 11. Plaintiff realleges and incorporates by reference
24 herein every allegation contained in paragraphs 1 through 6 of the
25 FIRST CAUSE OF ACTION.

26 12. Plaintiff is informed and believes and upon such
27 information and belief alleges that on or about April 29, 1978,
28 defendants became indebted to plaintiff in the reasonable sum of

1 \$89,640.70 for goods, wares, and merchandise manufactured by plain-
2 tiff and sold and delivered to defendants at their request. No part
3 of that sum has been paid although demand therefor has been made
4 and the sum of \$89,640.70 is now due and owing from defendants to
5 plaintiff, together with interest thereon at the rate of 7% per
6 annum, from on and after April 29, 1978.

7 WHEREFORE, plaintiff prays judgment against defendant;

- 8 1. For \$89,640.70;
9 2. For interest on said sum at the rate of 7% per annum
10 from April 29, 1978, to the date of entry of judgment herein;
11 3. For costs; and
12 4. For such other and further relief as the Court may
13 deem proper.

14 Ernest Borunda
15 ERNEST BORUNDA
16

17 Attorney for Plaintiff
18
19
20
21
22
23
24
25
26
27
28

ERNEST BORUNDA

ATTORNEY AT LAW

8401 AERO DRIVE

SAN DIEGO, CALIFORNIA 92123

(714) 292-7381

VERIFICATION

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

I, W. RAYMOND FOSTER, state:

I am a party to this action.

The statements in the above pleading are true of my own knowledge, except as to the matters that are therein stated on my information and belief, and as to those matters I believe them to be true.

Executed in San Diego, California.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 5-18-78

W. Raymond Foster
W. RAYMOND FOSTER

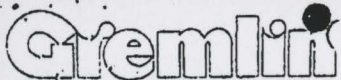
ERNEST BORUNDA

ATTORNEY AT LAW

8401 ALBERG DRIVE

SAN DIEGO, CALIFORNIA 92123

(714) 292-7381



Gremlin Industries, Inc.

8401 Aero Drive, San Diego, California 92123 Telephone: (714) 277-8700

STATEMENT

STATEMENT DATE

29 APR 1978

PAGE

1

BALANCE DUE

\$9,040.70

AMOUNT REMITTED

ACCOUNT NUMBER

A0508

CIRCLE INTERNATIONAL
2225 W. PICO BLVD

LOS ANGELES, CA 90006

RETURN TOP PORTION WITH YOUR REMITTANCE

DATE	DESCRIPTION	REFERENCE	AMOUNT
01 NOV 1977	PURCH	12956	5,975.00
04 NOV 1977	PURCH	14057	13.41
08 NOV 1977	PURCH	15174	5,475.00
08 NOV 1977	PURCH	18866	238.41
09 NOV 1977	PURCH	19163	1,095.00
14 NOV 1977	PURCH	10049	118.00
16 NOV 1977	PURCH	14335	1,095.00
17 NOV 1977	PURCH	19278	2,190.00
21 NOV 1977	PURCH	14447	495.00
21 NOV 1977	PURCH	14274	103.23
22 NOV 1977	PURCH	14356	5,975.00
23 NOV 1977	PURCH	14010	50.72
23 NOV 1977	PURCH	14610	4.60
14 DEC 1977	PURCH	14702	7,170.00
14 DEC 1977	PURCH	14720	1,195.00
14 DEC 1977	PURCH	14727	1,195.00
14 DEC 1977	PURCH	14724	1,195.00

(CONTINUED)

BALANCE DUE

Gremlin Industries, Inc.

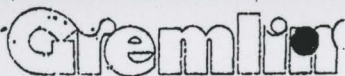
8401 Aero Drive, San Diego, California 92123
Telephone: (714) 277-8700

STATEMENT DATE

CURRENT

PAST DUE

EXHIBIT A



Gremlin Industries, Inc.

2401 Aero Drive, San Diego, California 92123 Telephone: (714) 277-8700

STATEMENT

STATEMENT DATE

APR 1978

PAGE

2

BALANCE DUE

89,649.70

AMOUNT REMITTED

ACCOUNT NUMBER

40504

CIRCLE INTERNATIONAL
2225 W. PICO BLVD

LOS ANGELES, CA 90006

RETURN TOP PORTION WITH YOUR REMITTANCE

DATE	DESCRIPTION	REFERENCE	AMOUNT
14 DEC 1977	PURCH	19728	1,195.00
15 DEC 1977	PURCH	19743	6.60
20 DEC 1977	PURCH	19799	28.31
21 DEC 1977	PURCH	19800	390.68
22 DEC 1977	PURCH	19906	9,000.00
23 DEC 1977	PURCH	19744-4-1	25.00
25 DEC 1977	PURCH	19744-3-1	25.00
23 DEC 1977	PURCH	19744-2-1	25.00
23 DEC 1977	PURCH	19744-1-1	25.70
23 DEC 1977	PURCH	19998	11,950.00
04 JAN 1978	LEASE	20058	50.14
04 JAN 1978	PURCH	19700-1	212.40
04 JAN 1978	PURCH	19800-3	151.02
05 JAN 1978	PURCH	20015	1,000.00
06 JAN 1978	PURCH	19945	24.80
06 JAN 1978	PURCH	19799-3-1	40.76
09 JAN 1978	PURCH	19999	10,950.00

(CONTINUED)

BALANCE DUE

Gremlin Industries, Inc.

2401 Aero Drive, San Diego, California 92123
Telephone: (714) 277-8700

STATEMENT DATE

CURRENT

PAST DUE

Gremlin

Gremlin Industries, Inc.

2401 Aero Drive, San Diego, California 92123 • Telephone: (714) 277-2700

STATEMENT

STATEMENT DATE

2 JAN 1978

PAGE

3

BALANCE DUE

\$9,640.70

AMOUNT REMITTED

ACCOUNT NUMBER

AG508

CIRCLE INTERNATIONAL
2225 W. PICO BLVD

LUS ANGELES, CA 90006

RETURN TOP PORTION WITH YOUR REMITTANCE

DATE	DESCRIPTION	REFERENCE	AMOUNT
09 JAN 1978	PURCH	1979989	20.70
09 JAN 1978	PURCH	20044	4.67
09 JAN 1978	PURCH	1980082-1	133.03
11 JAN 1978	PURCH	20129	7.21
13 JAN 1978	PURCH	1999951-1	5,475.00
16 JAN 1978	PURCH	20220	9.43
16 JAN 1978	PURCH	20178	11.87
16 JAN 1978	PURCH	1979945-1	40.70
16 JAN 1978	PURCH	20301	13.38
23 JAN 1978	PURCH	1980082-1*	80.13
25 JAN 1978	PURCH	1979945-1	44.70
25 JAN 1978	PURCH	1999941-1*	10,450.00
27 JAN 1978	PURCH	20332	103.20
27 JAN 1978	PURCH	20444	2,790.00
02 FEB 1978	PURCH	1979945-2	65.00
02 FEB 1978	PURCH	1979945-2	70.00
02 FEB 1978	PURCH	1979945-1*	76.33

(CONTINUED)

BALANCE DUE

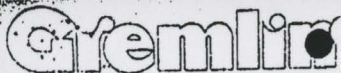
Gremlin Industries, Inc.

2401 Aero Drive, San Diego, California 92123
Telephone: (714) 277-2700

STATEMENT DATE

CURRENT

PAST DUE



STATEMENT

STATEMENT DATE

29 APR 1978

PAGE

4

Gremlin Industries, Inc.

8401 Aero Drive, San Diego, California 92123 Telephone: (714) 277-8700

BALANCE DUE

80,640.70

AMOUNT REMITTED

ACCOUNT NUMBER

40508

CIRCLE INTERNATIONAL
2225 W. PICC BLVD

LOS ANGELES, CA 90006

RETURN TOP PORTION WITH YOUR REMITTANCE

DATE	DESCRIPTION	REFERENCE	AMOUNT
03 FEB 1978	PURCH	20535	12.92
03 FEB 1978	PURCH	20544	0.83
05 FEB 1978	PURCH	19477	1,009.46
08 FEB 1978	PURCH	20766	900.00
08 FEB 1978	PURCH	20767	1,874.00
08 FEB 1978	PURCH	20654	10.28
08 FEB 1978	PURCH	20732	19.35
09 FEB 1978	PURCH	20767	-142.50
10 FEB 1978	CNMEM	20533	84.00
13 FEB 1978	PURCH	19799-5-1A	52.70
13 FEB 1978	PURCH	19799-4-1A	75.00
13 FEB 1978	PURCH	12470	-3,183.93
21 FEB 1978	PAYMT	21147	-320.00
27 FEB 1978	CNMEM		
BALANCE DUE			80,640.70

Gremlin Industries, Inc.8401 Aero Drive, San Diego, California 92123
Telephone: (714) 277-8700

STATEMENT DATE

29 APR 1978

CURRENT

0.00

PAST DUE

80,640.70